



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 843, S-2021

AN ORDINANCE AMENDING ORDINANCE NO. 440, S-2009 ENTITLED: AN ORDINANCE DIRECTING ALL CONCERNED STAKEHOLDERS ON THE IMPLEMENTATION OF THE NATIONAL PLAN OF ACTION FOR INFANT AND YOUNG CHILD FEEDING IN THE CITY OF MANDALUYONG PURSUANT TO REPUBLIC ACT NO. 7600 AND EXECUTIVE ORDER NO. 51, THE ROOMING-IN AND BREASTFEEDING ACT AND ITS IMPLEMENTING RULES AND REGULATIONS

WHEREAS, Republic Act No. 10028, otherwise known as "AN ACT EXPANDING THE PROMOTION OF BREASTFEEDING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7600, OTHERWISE KNOWN AS "AN ACT PROVIDING INCENTIVES TO ALL GOVERNMENT AND PRIVATE HEALTH INSTITUTIONS WITH ROOMING-IN AND BREASTFEEDING PRACTICES AND FOR OTHER PURPOSES", provides that "[t]he State adopts rooming-in as a national policy to encourage, protect and support the practice of breastfeeding. It shall create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding;"

WHEREAS, RA 10028 also provides that "[t]he State shall likewise protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation;"

WHEREAS, the Implementing Rules and Regulations of RA 10028 provides that "the State shall promote and encourage breastfeeding and provide the specific measures that would present opportunities for mothers to continue expressing their milk and/or breastfeeding their infant or young child;"

WHEREAS, Rule III Section 16 of the Implementing Rules and Regulations of RA 10028 allows for Eligibility for Additional Appropriation. It states that "[g]overnment facilities, establishments or institutions shall receive an additional appropriation equivalent to the savings they may derive as a result of complying with the provisions of the Act (RA10028);"

WHEREAS, The Department of Health (DOH) maintains a list of "working mother-baby-friendly establishments," made available to the public;

WHEREAS, the City of Mandaluyong is dedicated to complying with the standards being set by the national government in terms of nutrition.

BE IT ENACTED by the Sangguniang Panglungsod of Mandaluyong, in session assembled:

CHAPTER I COMPOSITION OF THE MONITORING TASK FORCE

SECTION 1. SECTION 3, Rule I of Ordinance No. 440, S-2009 is hereby amended by adding the following departments/offices to the composition of the Monitoring Task Force:

- a. CSWD
- b. DOLE Representative
- c. DSWD Representative
- d. DILG Representative
- e. CWC Representative
- f. Business Licensing and Permits Department Representative
- g. GOs/NGOs/Civil Societies Representative
- h. Local Council for the Protection of Children Representative
- i. Breastfeeding Patrol Representative
- j. BNS Federation

SECTION 3 of Ordinance No. 440, S-2009 is also further amended by designating the following functions to the Monitoring Task Force:

1. Monitors compliance as well as problems encountered in the implementation of the Ordinance.
2. Reviews/Acts on reports of violations of the provisions of the Ordinance.
3. Verifies reports of violations of the Ordinance.
4. Recommends sanctions or punitive actions for violations of the Ordinance to the City Health Department.
5. Submits regular reports on the status of the implementation of the Ordinance to the City Health Department.

SECTION 2. Role of the Mandaluyong Breastfeeding Patrol – The Mandaluyong Breastfeeding Patrol is a community support group for breastfeeding. They counsel mothers who are challenged or have difficulties with breastfeeding. They also refer lactating mothers to BNS, midwife, and nurses for further management of the case.

CHAPTER II BREASTFEEDING IN THE WORKPLACE AND PUBLIC PLACES

SECTION 1. GENERAL STATEMENT ON COVERAGE - This Rule shall apply to all establishments whether operating for profit or not which employ in any workplace, nursing employees, unless exempted by the Secretary of Labor and Employment, under Section 2 hereof.

SECTION 2. EXEMPTION - A private establishment may apply for an exemption to establish lactation station at the DOLE Regional Office having jurisdiction over said establishment. An application for exemption may be granted by the DOLE Regional Director upon determination that the establishment of a lactation station is not feasible or necessary due to the peculiar circumstances of the workplace taking into account, among others, the number of women employees, physical size of the establishment and average number of women who will use the facility. Due substantiation shall be made by the employer to support the application for exemption. The exemption granted by DOLE shall be for a renewal period of two (2) years.

Public sector may apply for an exemption from the Chairperson of the Civil Service Commission.

The exemption granted by the Civil Service Commission shall be for a renewal period of two (2) years.

SECTION 3. WORKPLACE POLICY - Every workplace shall develop a clear set of guidelines that protects, promotes and supports breastfeeding program. The written policy should be developed in consultation with the workers, approved and properly disseminated to all concerned. The Nursing/Lactating employees should be oriented on the proper handling, labeling, and storage of their own expressed breast milk. The policy should be part of the company's general policy or manual of operation, and the policy should operationalize the provision of this IRR.

SECTION 4. MINIMUM REQUIREMENTS IN THE ESTABLISHMENT OF LACTATION STATIONS - It is hereby mandated that health and non-health facilities, establishments or institutions, including public places, shall establish lactation stations as appropriate. Lactation stations shall be accessible to the breastfeeding women. It shall be adequately provided with the necessary equipment and facilities and other items, the standards of which shall be defined by the Department of Health. The lactation station shall be clean, well ventilated, comfortable and free from contaminants and hazardous substances, and shall ensure privacy for the women to express their milk and/or in appropriate cases, breastfeed their child. In no case, however, shall the lactation station be located in the toilet.

SECTION 5. WORKPLACE COMPLIANCE WITH THE MILK CODE - In addition, the establishments shall take strict measures to prevent any direct or indirect promotion, marketing, and/or sales of infant formula and/or breast milk substitutes within the lactation stations, or in any event or circumstances which may be conducive to the same, to effect exclusive breastfeeding up to six months and the introduction of appropriate complementary food from six months while continuing to breastfeed for two years and beyond.

SECTION 6. LACTATION PERIODS - Nursing employees are entitled to break intervals in addition to the regular time-off for meals to breastfeed or express milk. The employee shall notify their immediate supervisor before leaving their station. These intervals which include the time it takes an employee to get to and from the workplace lactation station shall be counted as compensable hours worked. The DOLE may adjust the same but in no case shall such intervals be less

than 40 minutes for every 8- hour working period. Duration and frequency of breaks may be agreed upon by employees and employers with the minimum being 40 minutes. Usually, there could be 2-3 breast milk expressions lasting to 15-30 minutes each within a workday.

SECTION 7. ACCESS TO BREASTFEEDING INFORMATION - Employers shall ensure that staff and employees shall be made aware of RA 10028 and its IRR. All pregnant employees shall be provided with information on how they can combine breastfeeding and work once they return to work. As such, employers are encouraged to link with the Department of Health, NGOs, and professional groups thru the local government unit in their area to avail of the breastfeeding/IYCF program for working mothers as part of their human resource development program.

Regular breastfeeding education should be provided for pregnant women focusing on capacitating them with skills and knowledge necessary to continue breastfeeding/expressing breast milk after returning to work. The information that will be provided to mothers should include manual breast milk expression, cup feeding, handling, storage and transporting of expressed breast milk.

The company should organize, initiate and conduct adequate orientation on lactation management, support program for nursing employees.

CHAPTER III MILK STORAGE AND MILK BANKING IN HEALTH INSTITUTIONS

SECTION 1. MILK STORAGE FACILITY - All health institutions adopting rooming-in and breastfeeding shall provide "milk storage facilities". These facilities are not the same as milk banks.

The Act subscribes to the rooming-in policy such that the mothers should have early skin-to-skin contact and early initiation of breastfeeding. In case the mother and baby are separated and direct breastfeeding is not possible, there will be a need for milk expression and milk storage. All mothers should receive instructions on hand expression, storage and transport of breast milk. There must be a dedicated and trained person who will supervise and assist the mothers who will use the facility and the health facility should fully comply with Executive Order 51.

The following are the minimum requirements for a milk storage facility:

1. Well-ventilated space or area solely intended for milk collection and storage
2. Refrigerator or freezer or its equivalent (ice cooler) following the guidelines for proper storage of breast milk set by the Department of Health

3. Sterile milk containers, hard plastic, food grade
4. Lavatory with water and soap
5. Table and comfortable chairs
6. Manual or electric breast pumps (optional)

SECTION 2. MILK BANKS - Health institutions that are encouraged to put up milk banks include, but not limited to, Medical Centers and Regional Hospitals. A human milk bank should only be used as a temporary solution when the mother and baby are separated. Milk Banks may be source of breast milk for infants that are victims during an emergency and/or a disaster. The importance of breastfeeding should at all opportunities be emphasized to all mothers through counselling. Mothers of human milk bank recipients should be counselled in lactation or re-lactation by trained milk bank personnel.

Milk banks should operate on a non-profit basis, but a minimal processing fee may be charged to cover for the screening, processing and administrative costs. However, inability to pay the said fee should not be a reason for non-availment of the milk for patients in need. These milk banks must have their own permanent, dedicated staff/personnel who are trained in human milk banking and lactation management.

SECTION 3. DEFINED AREAS IN THE MILK BANK:

- a. Wash area – it has a deep lavatory/sink with direct water source and soap dispenser, clean hand towels or dryer for the donor mothers to facilitate aseptic milk collection.
- b. Milk expression area – provision of chairs and table where mothers can collect their milk.
- c. Processing and Storage Area – This area is located in the innermost area of the facility and is a room separate from the other milk bank areas for proper sanitary control. This area must be air-conditioned to maintain certain equipment.
- d. Office/Administrative space – milk bank records are kept here

SECTION 4. MINIMAL EQUIPMENT AND STRUCTURES IN THE PROCESSING AREA:

- a. Pasteurizer
- b. Freezers (milk bank facilities with large volume supply of milk requiring prolonged storage of more than a week would need an upright, -20°C freezer)
- c. Refrigerator with thermometer

- d. Storage wall cabinets
- e. Working table
- f. Deep sinks/lavatories
- g. Sterile, rigid, plastic milk containers

SECTION 5. MILK BANK CERTIFICATION OR ACCREDITATION BY THE DOH - Human milk banks should be registered, licensed and monitored by the Department Health (Bureau of Health Facilities and Services). Human milk banks should follow the guidelines set by the Department of Health defining the proper donor screening, collection, storage, transport, processing and distribution of human milk. Training on milk banking will be provided by reference human milk banks accredited by the Department of Health.

SECTION 6. SOURCE OF DONOR HUMAN MILK - Donation of human milk must be made on a voluntary basis. Donors must pass the screening procedures set forth by the Department of Health. Human milk donors may come from, but not limited to the following:

- a. Lying-in clinics/maternity clinics
- b. Health Centers
- c. Community Support Group
- d. Government agencies and Private Enterprises with Lactation Stations
- e. Private Individuals

SECTION 7. AVAILMENT OF PASTEURIZED HUMAN MILK - An outline of recipient prioritization shall be set forth in a separate list of milk banking guidelines by the Department of Health. Pasteurized human milk should be dispensed only, with a prescription from a physician. Pasteurized human milk may be given if there is either a maternal or infant indication, as recommended by the attending physician.

CHAPTER IV

PUBLIC EDUCATION AND AWARENESS PROGRAM ON BREASTFEEDING PROMOTION

SECTION 1. CELEBRATION OF BREASTFEEDING AWARENESS MONTH - In order to raise awareness on the importance of and to further promote breastfeeding, the month of August in each and every year in Mandaluyong shall be known as "Breastfeeding Awareness Month".

SECTION 2. PUBLIC EDUCATION AND AWARENESS PROGRAM - to ensure the meaningful observance of breastfeeding month, a comprehensive national public education and awareness program shall be undertaken in order to achieve the following objectives:

- a. To protect, promote and support breastfeeding in the Philippines as the normal, natural and preferred method of feeding infants and young children;
- b. To guarantee the rightful place of breastfeeding in society as a time honored tradition and nurturing value as well as a national health policy that must be enforced;
- c. To provide information about the benefits and superiority of breastfeeding and the high risks and costs of bottle-feeding;
- d. To generate awareness on, and full enforcement of, national and international laws, codes, policies and programs on the promotion and protection of safe and adequate nutrition for infants and young children by promoting and protecting breastfeeding and by regulating the marketing of certain foods and feeding bottles, teats and pacifiers; and
- e. To instill recognition and support and ensure access to comprehensive, current and culturally appropriate lactation care and services for all women, children and families, including support for breastfeeding mothers in the work force.

The City Health Office shall lead in the development and implementation of the comprehensive national public education and awareness program on breastfeeding promotion at all levels in collaboration with other government agencies, non-government organizations, media groups, developmental partners, professional and civic groups.

CHAPTER V PENAL PROVISIONS

SECTION 1. FILING OF ADMINISTRATIVE AND CRIMINAL COMPLAINT - Problems and/or violations at the local level shall be filed and investigated and reported to the City Health Department Monitoring Task Force. The report shall be in writing and supported by available evidence. The City Health Department shall notify BFAD of any action taken relative to the aforesaid problem and/or violation that require prosecution or imposition of administrative sanction for appropriate action.

SECTION 2. ADMINISTRATIVE SANCTION.

A. AGAINST PUBLIC EMPLOYEES. Persons in the public service found to have violated provisions of this Ordinance shall be dealt with severely in accordance with the Administrative Code of 1987 and the pertinent Civil Service Rules and Regulations, and depending upon the gravity of their violation, shall be imposed the following:

FIRST OFFENSE:	Reprimand
SECOND OFFENSE:	Suspension for five (5) to thirty (30) days
THIRD OFFENSE:	Dismissal from office

B. AGAINST HEALTH INSTITUTIONS/FACILITIES AND BUSINESS ESTABLISHMENTS – OTHER PERSONS NOT IN THE PUBLIC SERVICE WHO VIOLATE THIS ORDINANCE SHALL BE METED OR IMPOSED THE PENALTY:

FIRST OFFENSE:	A fine of Three Thousand (3,000.00) Pesos
SECOND OFFENSE:	A fine of Five Thousand (5,000.00) Pesos and the license to operate shall be suspended until such time the violator complies with the rules herein provided
THIRD OFFENSE:	Revocation of license or permit to operate issued by the City

Should the offense be committed by a juridical person, the Chairman or Board of Directors, general manager and/or partners or persons directly liable shall suffer the penalty imposed herein.

CHAPTER VI
FINAL PROVISIONS

SECTION 1. INCENTIVE. Business establishments, shopping malls and other workplaces which shall provide a breastfeeding station shall receive citations and recognition awards from the City Government at an occasion, festivity or any City sponsored event or celebration.

SECTION 2. MISCELLANEOUS PROVISION. Donation of milk products and materials defined and covered under the MILK CODE and its Implementing Rules and Regulations shall be strictly prohibited.

SECTION 3. APPROPRIATIONS. The City Health Department shall submit a work and financial plan for the Citywide IYCF activities. A certain amount of Gender and Development (GAD) Fund shall be allocated to augment the existing City Health Department budget and support the implementation of the proposed plan, subject to the existing standard accounting and auditing procedures.

SECTION 4. NATIONAL PLAN OF ACTION. This Ordinance seeks to ensure the adoption of the Implementing Rules and Regulations of Republic Act 7600 “The Rooming-In and Breastfeeding Act” and Executive Order No. 51, “The Philippine Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products” in the City of Mandaluyong.

CHAPTER VII
SEPARABILITY AND REPEALING CLAUSE

SECTION 1. In the event that any clause, paragraph or part of this Ordinance shall be declared to be invalid or unconstitutional, the provisions not affected thereby shall remain to be valid.

SECTION 2. Ordinance No. 440, S-2009, all other ordinances, resolutions and pertinent rules and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

CHAPTER VIII
EFFECTIVITY

SECTION 1. EFFECTIVITY. This Ordinance shall take effect ten (10) days after its approval and publication at least once in a newspaper of general circulation in Metro Manila.

ENACTED on this 20th day of August, 2021 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

ANTONIO DLS. SUVA
City Vice Mayor &
Presiding Officer

APPROVED:

CARMELITA A. ABALOS
City Mayor

Date: AUG 27 2021

DISTRICT I


CHARISSE MARIE ABALOS-VARGAS
Councilor


ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor


GRACE MARIE V. ANTONIO
Councilor


RODOLFO M. POSADAS
Councilor


ESTANISLAO V. ALIM III
Councilor

DISTRICT II


BENJAMIN A. ABALOS III
Councilor


CHERRY LYNN PABLO-SANTOS
Councilor


ROEHL B. BACAR
Councilor


JESUS C. CRUZ
Councilor


FERNANDO S. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor


DARWIN A. FERNANDEZ
LNB President


AEROL SEDRICK A. MANGALIAG
SK Federation President